

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JEANNINE L. SOMBERG et al.,

Plaintiffs,

v.

Case No. 13-11810

UTICA COMMUNITY SCHOOLS,

Defendant.

**ORDER ACCEPTING SECOND STATUS REPORT
AND SETTING DEADLINE FOR OBJECTIONS**

On December 27, 2017, the court issued an order implementing a compensatory education plan for Plaintiff Dylan Somberg. Pursuant to this and previous orders of the court, Special Master Cynthia Raymo was required to submit periodic status reports detailing Dylan's progress under the plan. The first plan has been submitted and circulated to the parties. As with the previous report, the court finds that the compensatory education plan is not, at this point, in need of any modification. The Special Master has identified some areas in need of improvement, but has also identified ways in which she seeks to make those improvements. To the extent those modifications result in costs at or under what has already been approved, the Special Master is authorized to make those improvements, provided proper notice is given to the parties. If larger modifications are necessary, the parties may do so by agreement, or an appropriate motion will need to be brought before the court.

The court intends to file the report on the docket. However, while the previous report was filed under seal, the court is now inclined to believe that these reports should be filed on the open docket. The Sixth Circuit has recently stressed the "strong presumption in favor of openness of court records." *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016) (internal quotation marks omitted). Parties who ask for a record document to be sealed must "analyze in detail" why the information should stay secret. *Id.* Having considered *Shane Group* in the context of the status reports, the court leans toward the presumption of openness. Nonetheless, the court will allow the parties an opportunity to state their positions. Accordingly,

IT IS ORDERED that the second status report is ACCEPTED. The next status report shall be submitted to the court by **October 31, 2018**.

IT IS FURTHER ORDERED that if the parties have any objection to filing the second status report on the docket, or to unsealing the first status report, they should file their objection by **August 17, 2018**. Any response to the objection should be filed by **August 24, 2018**.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 9, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 9, 2018, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6525